/250 cont./

683 754 Since the Meau do not believe that black magic is practiced among their tribesmen, there is no punishment for it. Outlawing is likewise unknown.

692 622 634 [489] Offenses against custom are judged by the village chief or the great chief. Crimes, which very rarely occur among the Meau, are judged by the great chief. In such cases the village elders and the village chief appear as examining magistrates.

Dhuraratsadorn (1), too, points out that homicide and

674 114

1. Page 171.

crimes of violence are for the most part unknown within the family community, which he designates erroneously as "clan." He assumes that robbery might occur if it becomes known that a member of the community has received a large sum of money through the sale of opium or the like. The author then continues by saying that this offense had never occurred in the district of San Mahapon with which he is familiar, but characteristically he explains this not on the basis of the morality of the Meau, but by their custom of not carrying any money with them, [454] much less keeping it in their houses, but of carefully hiding it somewhere. I was unable to confirm the custom of "money-hiding" among the Meau, but I did find it among the Lahu; hence I assume that there is some confusion on the part of the author.

682 The punishment for murder in connection with robbery or homicide is execution. It is reported of some Meau tribes in China (2) that buffalo were paid as a fine for homicide. Only [634]

2. Eberhard, II, p. 252.

685 439 the great chief, however, can give the sentence. The same punishment befalls anyone who commits simple robbery or theft from traveling merchants. The harsh appraisal of this offense goes back to the fact that the traveling merchants, all of them Chinese, bring wares that are important to the Meau, but those areas in which there is danger of robbery and theft would be avoided.

/459 cont./

181 In the literature the character of the Meau is judged
648 very differently. They come out the worst in the Chinese sources, which is understandable if one considers the fact that in four thousand years of struggles the Meau have not yet been completely subjugated and assimilated. Thus, the oldest part of the Schu-djin, which supplements the Bamboo Annals, characterizes them as follows: "These Meau are really stupid, silly, conceited, and without respect! Insolent and stubborn, they do not walk the path of righteousness and they destroy virtue!..."

181 The authors of other nationalities, however, especially
● 674 Europeans, come to totally different conclusions, and many authors stress above all, besides many other good qualities, the honesty of the Meau. Thus, Savina (1) emphasizes: "Theft is

1. II, p. 232.

extremely rare." Since not all of the peoples neighboring the Meau can boast of such honesty, the members of these peoples positively search for an explanation of this, to them, very inexplicable phenomenon, and /460/ Dhuraratsadorn (1) writes

1. Page 170.

that the Meau have, "as a result of a strange character trait, an aversion to petty thefts." If they "wished to steal, this had to be done on a large scale. Forming bands /Platten/ and companies, they pillaged and, if necessary, did not shrink from murder." Actually, however, the "pillaging expeditions"
[921] assumed by the author were a matter of war actions in the eyes of the Meau and had nothing at all to do with crime!

181 Marabail (2) gives the following characterization: "The

2. Page 463.

[191] Meau is likable, honest, industrious, warlike, and intelligent. He learns foreign languages quickly." I, too, was often able

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675 CONTRACTS--conception of contractual relations; agreements, bargains, promises, and their enforceability; consideration; rights, privileges, and powers of contracting parties; procedure in the conclusion of contracts (e.g., presence of witnesses); terms and stipulations; types of contracts (e.g., legal forms, oral agreements, covenants); etc. See also:

Builders and contractors 331
Loans 426
Leases 427
Sales 432
Insurance contracts 436
Labor relations 466
Social relationships 671
Marriage contracts 684
Treaties and alliances 648
Penalties for breaches of contract 686
Religious vows 782

/37 cont'd/

427 amount. If the property is rented, the duration as well as the rate of rent /38/ is fixed. It is to be paid either in one payment or by yearly instalment. After the contract has expired, they are either to move away or to renew the contract, which is determined by mutual agreement. If the property is purchased, the price is usually
423 greater than if it were rented. After the contract is signed, the rights of the mountain are transferred to the Miao purchaser, who may make use of it as he will. The original seller no longer has any rights whatever. The reason why some people among the Miao are able to remain for relatively longer periods in one locality is that they have acquired the ownership of the mountains they live on.
[675] Whether the mountain is rented or purchased, a contract is signed by both parties. The name of the mountain, the price or rent, and the duration if it is rented, are clearly stated. There are many mountains which have been purchased with joint funds of the villagers,
[422] but on the contract only the name of the shan-chia or chia-ch'ang is written, because he is the representative of the whole village during the negotiations and the contract is also kept by him. In the home of a Miao chia-ch'ang, we saw many different contracts of this kind. Some of them are translated as follows:

675 "We, the signers of the contract for Ya-nan Mountain, T'ung
539 Li, Lao Ta-k'ai, Shih Chün and Ying Kuo-ying-chi, having ex-
423 amined the vegetation and marked the soil, hereby agree that the price of the mountain shall be 66 dollars. The expenses of tao-ping /the commission?/ shall be 350 cash and a peck of rice from each family. The mountain products, ching-pi, shan-ma, deer horn, bear gall, red and white rattan, are all the property of the owners of the mountain; they shall not be stolen or sold. The Miao will be allowed to cut wood on this mountain for the next 25 years. This contract shall not be revoked on any pretext. Since oral agreement is subject to dispute, this written contract has been drawn as evidence.

Witnessed by Ch'iu K'ai-i

675 /38 cont'd/
539 This contract is signed in public on the fifteenth day of the
423 second month of the twenty-sixth year of Kuang-hsü, the year of Keng-tze /1900/."

"Again: On the preceding day, the Miao people signed an agreement to pay 270 silver dollars for the mountain land of Mao-kai Mountain. This contract is signed on the seventh day of the first month of the sixteenth year of the Republic /1927/."

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675 /39/ "The rent of Mt. Mao-jui shall be roughly one peck of
423 rice, 350 cash, one jar of wine, and one chicken, to be collected
427 every year."
436

"Wang Kung-ch'ing

427 A new contract has been signed in the year ting-mao of the
675 Republic /1927/; every family is to pay four dollars in the spring of every year. The expenses for tao-ping /commission?/ shall be 305 cash from each family; the expenses for shih-sheng /?/, 100 cash; one chicken, one peck of rice, and one jar of wine from each family.

Black beans, edible fungi, and other mountain products are all included."

The above are contracts for renting mountains.

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423 "Again: The lands of Mt. Mao-jui have been purchased from
675 the sellers Li Yüng-sheng, Li Yüng-sheng /sic/, and Mei Ch'ang-sheng. Mt. Mao-jui has been purchased in the twenty-second year of Kuang-hsü /1896/. The price agreed upon is 100 large silver dollars."

/39 cont'd/

423 "Again: The lands of Mt. Mao-jui have been purchased in the
675 second year of Hsüan-t'ung /1909/ from P'an Chao and Li Yüng-sheng, who hereby jointly sell the land to Lao Pan at the agreed price of 60 large silver dollars."

"Again: In the second year of the Republic /1913/, Chang Ming-yao has raised /the price?/ 12 dollars."

"Again: Chin chia-ch'ang has purchased the lands of Mt. Mao-jui. Chang Ming-yao sells the aforesaid land to Chin Chia-ch'ang. The agreed price is 200 large silver dollars. This certificate of purchase is signed and executed in the fourteenth year of the Republic /1925/. /40/ The undersigned Chang Ming-yao, Huang Hsing-li, Ch'en Ch'en-chou, and Li Hsi-ch'ing together with the Li people purchase Mt. Mao-jui which is to be transferred to Lao Teng and Lao Chin for cultivation. The agreed price is 350 silver dollars. Sixteenth day of the second month of the twenty-second year of the Republic /1933/."

"Mt. Nan-shih-lung has been purchased at the agreed price of 576 large silver dollars, on the seventh day of the second month of the first year of the Republic /1912/."

"The sellers of Mt. Nan-shih, Wang Kai-lung and Wang Kai-ch'un sell the said land to Teng Chia-ch'ang at the agreed price of 130 large silver dollars. Tenth day of the third month of the eighteenth year of the Republic /1929/."

421 The above are contracts for the purchase of mountains.
423 Since these mountains are based or purchased through funds
621 contributed by each family of the whole village, they are, of course, community property. Each family of the village has an equal right in the use of the land. In other words, people of the

AKha A04
Miao AE5

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In case of malicious nonpayment, which in practice almost never occurs, the creditor turns to the village chief, who will make use of his powers. If even his efforts are unsuccessful, the creditor has the right to kill the debtor.

Limitation of debts is unknown, but repayment in installments is customary. If a Meau debtor lives in a village other than the one where the creditor lives or moves to a different village, a sort of promissory note is made out. It consists of a piece of wood into which a notch is cut for the value of each ten pieces of silver. Thereupon the stick is split lengthwise in such a way that the halved notches remain on each of the sides of the stick. The creditor keeps one half of the stick; the debtor takes the other half with him. This practical custom seems to be very widespread among the Meau and not limited to Thailand. In any case Dhuraratsadorn (1) reports in similar fashion on the

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1. Page-172.

Meau in Tonkin.

If a creditor wants repayment from the debtor, he need not seek him out himself, but can ask someone else to demand the amount for him. He then gives the half of the stick to the messenger as identification. Upon presentation, the debtor is obliged to pay the messenger, identified by the half of the stick, the amount shown on the stick, beginning at the date agreed upon, provided that this half agrees with the one that remained with the debtor. On the other hand, if only partial payment is made, the old debt-stick is destroyed and a new one prepared showing the residual amount, and this is handled in the same way as the first. The messenger is then given a half of the stick to take back.

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The situation regarding property among the Akha differs considerably from that among the Meau. Uncultivated land belongs to no one; it is considered as unrestricted, as are hunting and fishing. Accordingly, the land may be taken into possession by any tribesman without further inquiry by merely beginning to clear and cultivate it. It is left entirely up to him to choose the land and the extent of the land. Since, however, land is usually

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177 not argue against their adaptability, for there is no proof that the Meau, who very carefully and seriously investigate even the most insignificant plant for its usefulness, and who therefore certainly thought about foreign methods of construction, regard the houses of foreign peoples in relation to their own as actually "more comfortable." Probably those houses would not conform as well to the way of life of the Meau.

821 "Far more limited than their knowledge of the world of animal and plants is that /471/ of minerals or celestial bodies [824] (see also the chapter, "Time-reckoning and Division of the Day"). It is strange that they do not think about the causes of natural phenomena, the change of seasons, the growth and decay of vegetation, in spite of the fact that in the mountain forests of northern Thailand these are very prominent. They behave in the same way toward rain, thunderstorms (on the other hand, on the significance of lightning, see the chapter, "Religion and Magic," the section, "Deities and Spirits"), and even comets and earthquakes, which are simple noted (I have reported on the eclipses of the sun and moon in the chapter-section just mentioned). The Meau estimate the diameter of the sun as ten fathoms in their linear measure, but in their view the moon is larger than the sun, about 20 fathoms in diameter, and the size of the stars varies, with their average diameter probably a fathom in size.

202 As has already been pointed out, the Meau have neither sign nor drum, whistle, secret, or women's language, and no writing of their own, but they do know individual signals for warning one another in case of danger. For example, three shots fired at short intervals or the rapid beating of a gong signify [724] danger. These signals, however, are not used for matters of war. In such cases organized arrangements are handled by messengers.

153 The memory of the Meau is excellent. The Meau re- [675] member especially well everything that they have promised, which speaks very well for their character.